

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 1-22-2021
TIME: 12:06 a.m. (25 minutes)

McCune v. County of Suffolk, et al.
CV 14-4431 (JS) (AKT)

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiff: Frederick K. Brewington

Defendants: Arlene S. Zwilling

(Police Officer John and Jane Does)

FTR (through AT&T teleconference line): 12:06-12:31

THE FOLLOWING RULINGS WERE MADE:

1. The Court spent time discussing with counsel concerns about the amount of time it is taking to complete discovery in this case. The parties are now seeking their third extension of the deadline. After a lengthy discussion, the Court is agreeing to the extension but has cautioned counsel that there will be no further extensions.
2. Deputy County Attorney Zwilling shall provide the last known address for defendant Vohs and retired officer Termine no later than next Friday, January 29, 2021, and hopefully sooner. Ms. Zwilling will reach out to defendant Vohs (who is apparently retired) to see if she is able to arrange for him to present himself for deposition voluntarily. Otherwise, she will provide a last known address so that Mr. Brewington can serve a subpoena on him expeditiously.
3. Officer Kirkland is scheduled to be deposed on February 4, 2021, Officer Rafferty on February 24, 2021 and Officer Henderson on January 29, 2021. The Court is designating these depositions as "Court-ordered" and they are not to be adjourned or canceled without the prior permission of the Court. COVID
4. All fact depositions must be completed by March 31, 2021. To the extent that any fact witness contracts the COVID virus or is quarantined because of contact with someone who has contracted the COVID virus, and whose scheduled deposition is impacted by these circumstances, counsel must advise the Court immediately.
5. Plaintiff's expert report and all of the expert disclosures required under Rule 26 must be served on opposing counsel by March 15, 2021.

Plaintiff's IME is to be completed by April 15, 2021.

The report of defendants' IME examiner must be served on Plaintiff's counsel by May 7, 2021.

Plaintiff's expert will be permitted to serve a supplemental report, if plaintiff wishes to do so, after receiving the report of defendants' examiner. Any supplemental report must be served by May 28, 2021. If plaintiff decides to forego a supplemental report, counsel must advise the Court promptly so that the schedule can be adjusted.

Depositions of any experts must be completed by June 18, 2021.

6. Any letter request for a pre-motion conference to Judge Seybert for purposes of making a summary judgment motion must be filed by July 2, 2021.

SO ORDERED.

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge